

As news reports continue to surface about the Administration's policies in the war on terror, I wanted to make you aware of some actions I am taking in Congress to put an end to violations of civil liberties and human rights.

As you know, the New York Times reported on December, 16, 2005 that in 2002 President Bush handed down an order allowing the National Security Agency (NSA) to conduct wiretapping on international phone calls and emails from Americans. The use of wiretaps for foreign surveillance is clearly outlined by the Foreign Intelligence Surveillance Act (FISA), which states that the government must seek a warrant from the FISA court before conducting electronic surveillance for foreign intelligence. To obtain a warrant the government must only show that there is probable cause to believe that the target is a foreign power or an agent of a foreign power. Also, the fourth amendment to the Constitution prohibits unreasonable search and seizure. Based on this, I believe that this wiretapping program is a violation of American's civil liberties and the Constitution as well as a misinterpretation of presidential authority.

The Bush Administration claims that it received the authority to conduct warrantless electronic surveillance when Congress voted for the joint resolution authorizing the use of all "necessary and appropriate force" in response to the terrorist attacks of September 11, 2001. However, FISA includes provisions for collecting foreign intelligence in an emergency situation as well as after a declaration of war. Under FISA the government can gather emergency surveillance for 72 hours while seeking approval from a judge. Additionally, following a declaration of war electronic surveillance can be collected for 15 days without a court order. Clearly, Congress intended for FISA to apply to all agencies of government, including the President, even in the event of a national emergency. FISA's restrictions are critical in protecting Americans' civil liberties as well as giving the government the authority to collect needed intelligence information.

Recently it was also disclosed that the NSA was collecting records from major telephone service providers, including AT&T Bell South and Verizon. USA Today disclosed that the NSA was trying to put together a log of all calls made within the United States, including the number called and the time and date of the call. Questions have been raised about the legality of this practice as well. You may be interested to know that I am a cosponsor of H.R. 5371, the LISTEN Act, which states that attempts to eavesdrop on Americans or collect telephone or email records must be conducted in accordance with FISA. This legislation is currently before both the House Committee on the Judiciary as well as the House Committee on Intelligence.

Efforts to fight the war on terrorism have extended to include human rights abuses beyond our borders as well. This administration is the first in our nation's history to systematically violate the Geneva Conventions for the Treatment of Prisoners of War. By treating captives from the war on terror as enemy combatants rather than prisoners of war, the Bush Administration has denied individuals due process and often held them for months or years without charge or trial. In addition reports have revealed that the CIA has been secretly detaining and interrogating some of its most important Al Qaeda prisoners in clandestine prisons in secret locations in Eastern Europe and Afghanistan. CIA interrogators overseas are permitted to use enhanced interrogation techniques that are prohibited by both the UN Convention Against Torture as well as US military law. These techniques include "waterboarding" during which prisoners are made

to think they are drowning, and other methods that are considered torture. Prisoners at these sites have been denied due process and are regularly forced to endure human rights violations.

Inhumane interrogation techniques have also been used at the US detention center at Guantanamo Bay, Cuba. On Thursday, June 29, 2006 the U.S. Supreme Court ruled in *Hamdan v. Rumsfeld* that the Bush Administration exceeded its authority in holding tribunals for suspects held in Guantanamo that violated traditional legal protections. The Court's 5-3 ruling stated that military tribunals in Guantanamo fell short of both American military law and the United States' commitments to the Geneva Conventions. Also, in recent weeks a panel from the United Nations Committee on Torture recommended that the US close the detention center at Guantanamo and end the practices of torture and extraordinary rendition, during which suspects are secretly flown to and imprisoned in countries that are known to use torture during interrogations. I strongly believe that the administration must be held accountable for violations of human rights. In that vein, I am a cosponsor of H.R. 952, the Torture Outsourcing Prevention Act, which prohibits the direct or indirect transfer or return of persons by the US for the purpose of detention, interrogation or trial to any country that is believed to engage in torture, or cruel or degrading treatment. This legislation is currently before the House Committee on International Relations.

Please be assured that I will continue to monitor reports of violations of Americans' civil liberties as well as human rights abuses against suspects in foreign countries. I will work in Congress to see that the administration is held accountable for violations of law both here and abroad. Please feel free to contact my Washington, DC office if you have further questions or concerns.

Sincerely,

John W. Olver
Member of Congress

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